

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**ANTONIO DEES**

**PLAINTIFF**

**vs.**

**CIVIL ACTION No.: 3:21-CV-69-HTW-LGI**

**NURSE STRONG, DR. MARTINEZ,  
JOHN DOES, OFFICER ROSARIO,  
AND LIEUTENANT JONES**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

BEFORE THIS COURT is the Report and Recommendation of the United States Magistrate Judge [Docket no. 33] issued by Magistrate Judge LaKeysha Greer Isaac. In her Report and Recommendation, filed on November 4, 2022, Magistrate Judge Isaac recommended that the this matter be dismissed<sup>1</sup> because Plaintiff has failed to exhaust administrative remedies available to him. Magistrate Judge Issac directed the parties to file any objections to his recommendation within fourteen (14) days. To date, no objection has been filed.

Based upon the findings and recommendation contained in the Report and Recommendation [Docket no. 33], this court finds it well-taken. Magistrate Judge Isaac carefully considered the submissions of the parties, the record, and relevant law, and crafted a well-versed Report and Recommendation. Therefore, this court hereby ADOPTS the Report and Recommendation of the Magistrate Judge as the order of this court.

IT IS THEREFORE ORDERED THAT the Defendants' Motion to Dismiss [Docket no. 31] hereby is GRANTED.

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<sup>1</sup> The Magistrate Judge characterized Defendants' FRCP 12(b)(6) Motion to Dismiss as a Motion for Summary Judgment [Docket no. 33, p. 1], and found that summary judgment should be granted in favor of the Defendants. [Docket no. 33, p. 5].

This order, commensurately, hereby **DISMISSES** Plaintiff's Complaint [Docket no. 2]  
**WITHOUT PREJUDICE.**

**SO ORDERED** this the 6<sup>th</sup> day of December, 2022.

/s/HENRY T. WINGATE  
**UNITED STATES DISTRICT COURT JUDGE**